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April 24, 2024

Hon. Jesse M. Furman  
United States District Judge  
United States District Court for the Southern District of New York  
40 Centre Street, Room 2202  
New York, New York 10007

Re: **Frommer et al. v. MoneyLion Techs. Inc. et al., No. 23  
Civ. 6339 (JMF)**

Dear Judge Furman:

Pursuant to Rule 7.C of Your Honor's Individual Rules and Practices in Civil Cases, Defendant-Counterclaim Plaintiff MoneyLion Technologies Inc. and Third-Party Plaintiff MoneyLion Inc. (together, "MoneyLion") respectfully seek leave to file under seal portions of MoneyLion's Letter from Edward Moss to the Court, dated April 24, 2024. Plaintiffs consent to MoneyLion's request to seal.

The letter quotes from exhibits attached to Plaintiffs' April 22, 2024 letter (ECF No. 86) and that were produced on a Confidential basis pursuant to the Stipulated Confidentiality Agreement and Protective Order (ECF No. 74). Plaintiffs have already sought to seal this precise information. One of the documents quoted in MoneyLion's letter was produced by a third party who believed that it contained sensitive information that is not publicly available. The other document quoted in MoneyLion's letter was produced on a Confidential basis by MoneyLion. That document contains sensitive confidential and proprietary information concerning MoneyLion's due diligence of Malka's financials. The disclosure of contents of this document would put MoneyLion at a competitive disadvantage. Accordingly, sealing is warranted. *See Kewazinga Corp. v. Microsoft Corp.*, 2021 WL 1222122, at \*6 (S.D.N.Y. Mar. 31, 2021) ("The demonstration of a valid need to protect the confidentiality of confidential and proprietary business

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information may be a legitimate basis to rebut the public's presumption of access to judicial documents." (citation omitted)).

Respectfully submitted,

**Cahill Gordon & Reindel LLP**

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 87.

SO ORDERED.



April 25, 2024

/s/ Edward N. Moss

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